

**AMENDMENTS TO THE CLAIMS**

This listing of claims will replace all prior versions and listing of claims in the application.

**Listing of Claims**

1-10 (Cancelled)

11. (New) A method of controlling a performance of an operation processing means, said method comprising:

controlling, by the operation processing means, a performance represented by the number of instructions executed per unit time;

measuring, by monitoring means, the performance of said operation processing means at predetermined intervals;

controlling, by performance control means, the operation processing means to modify the performance of said operation processing means;

storing, in control information memory means, control information which is a standard for modifying the performance of said operation processing means;

storing, in history information memory means, history information of the performance of said operation processing means measured by said monitoring means; and

controlling, by said performance control means, the performance of said operation processing means on the basis of said control information and said history information.

12. (New) A method according to claim 11, wherein  
said monitoring means measures the rate of operation of said operation processing means.

13. (New) A method according to claim 11, wherein  
said control means modifies the performance of said operation processing means when the state that the rate of operation is outside a predetermined range is continued for a

predetermined time or more.

14. (New) A method according to claim 11, wherein  
the performance of said operation processing means is modified by insertion of  
dummy step.
15. (New) A method according to claim 11, wherein  
the performance of said operation processing means is modified by change of a clock  
frequency of said operation processing means.
16. (New) A method according to claim 11, wherein  
said control information is modified on the basis of a request sent from a terminal.
17. (New) A method according to claim 11, wherein  
said control information can be modified through a network.
18. (New) A method according to claim 11, further comprising  
calculating, by accounting means, a charge for using said operation processing means  
to make billing.
19. (New) A method according to claim 18, wherein  
said charge for using is calculated on the basis of said history information.
20. (New) A computer implemented program for controlling performance in an operation  
processing means, said program executing the process comprising the steps of:  
controlling a performance represented by the number of instructions executed per unit  
time;  
measuring the performance in the step of controlling a performance at predetermined  
intervals;

controlling said operation processing means to modify the performance at said step of controlling a performance;

storing control information which is a standard for modifying the performance of said operation processing means;

storing history information of the performance of said operation processing means measured in the step of measuring the performance; and

controlling the performance of said operation processing means on the basis of said control information and said history information.

21. (New) A computer implemented program according to claim 20, wherein

said step of measuring measures the rate of operation of said operation processing means.

22. (New) A computer implemented program according to claim 20, wherein

said step of controlling said operation processing means modifies the performance of said operation processing means when the state that the rate of operation is outside a predetermined range is continued for a predetermined time or more.

23. (New) A computer implemented program according to claim 20, wherein

the performance of said operation processing means is modified by insertion of dummy step.

24. (New) A computer implemented program according to claim 20, wherein

the performance of said operation processing means is modified by change of a clock frequency of said operation processing means.

25. (New) A computer implemented program according to claim 20,  
wherein  
said control information is modified on the basis of a request sent from a terminal.
26. (New) A computer implemented program according to claim 20,  
wherein  
said control information can be modified through a network.
27. (New) A computer implemented program according to claim 20, further comprising  
the step of calculating a charge for using said operation processing means to make billing.
28. (New) A computer implemented program according to claim 27,  
wherein  
said charge for using is calculated on the basis of said history information.